

THE HONORABLE JOHN H. CHUN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a corporation,

Defendant.

CASE NO.: 2:23-cv-01495-JHC

JOINT STATUS REPORT

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Pursuant to the February 13, 2024 Case Management Order (“CMO”), Plaintiffs Federal Trade Commission (“FTC”) and the states and territories of New York, Connecticut, New Hampshire, Oklahoma, Oregon, Pennsylvania, Delaware, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Puerto Rico, Rhode Island, Vermont, and Wisconsin, by and through their respective Attorneys General (together, “Plaintiff States,” and collectively with the FTC, “Plaintiffs”) and Defendant Amazon.com, Inc. (“Amazon”) submit this joint status report in advance of the parties’ March 7, 2025 status conference with the Court.

I. STATUS OF LITIGATION

Plaintiffs filed the Complaint on September 26, 2023, Dkt. #1, and filed an Amended Complaint adding Puerto Rico and Vermont as Plaintiffs on March 14, 2024, Dkt. #170. Amazon filed a Motion to Dismiss the Complaint on December 8, 2023, Dkt. #127, which the parties agreed and the Court ordered would be deemed to be Amazon’s Motion to Dismiss the Amended Complaint, Dkt. #175. The Court granted the motion as to certain state law claims and otherwise denied the motion on September 30, 2024, and granted leave to amend certain state law claims, Dkt. #289. The Court also granted Plaintiffs’ motion to bifurcate. Dkt. #289.

Plaintiffs filed a Second Amended Complaint on October 31, 2024, amending state law claims under the laws of Maryland, Pennsylvania, and New Jersey. Dkt. #326. Amazon filed a motion to dismiss the amended Pennsylvania and New Jersey claims on November 14, 2024. Dkt. #340. Amazon also filed an Answer to the Second Amended Complaint on November 14, 2024. Dkt. #341. Amazon filed a Motion for Judgment on the Pleadings as to the FTC’s claims on December 6, 2024. Dkt. #372.

On February 13, 2024, the Court issued a Case Scheduling Order, Dkt. #159, that included the following key dates:

1	August 8, 2025	Close of Fact Discovery
2	February 23, 2026	Close of Expert Discovery
3	April 6, 2026	Deadline to File Dispositive and <i>Daubert</i> Motions
4		(with motions noted for June 15, 2026)
5	September 28, 2026	Final Pretrial Conference
6	October 13, 2026	Bench Trial

7 The Court has ordered certain interim deadlines for Amazon's productions of documents,
8 Dkt. ## 288, 343, 405, including:

9 January 31, 2025: Amazon substantially completes its production of the Initial
10 Set of documents. Amazon represents that it has met this
11 deadline in accordance with the TAR 2.0 Protocol.
12 Plaintiffs have significant questions about the sufficiency
13 of Amazon's production. Amazon will continue to work
14 with Plaintiffs to address these questions, and has agreed to
15 provide information beyond that required by the TAR 2.0
16 Protocol in light of Plaintiffs' questions.

17 February 21, 2025: Amazon provides a privilege log for all documents
18 withheld from or redacted in the Initial Set of documents,
19 consistent with the provisions of Dkt. ## 256 and 313.
20 Amazon informed Plaintiffs that it needed additional time
21 to meet this deadline and moved to extend the deadline.
22 That motion is pending. Dkt. #419. Amazon expects to
23 meet this deadline by March 7.
24

1 March 7, 2025: Amazon substantially completes its privilege re-review of
 2 documents that were withheld or redacted by Amazon
 3 during Plaintiffs' pre-Complaint investigation that exist in
 4 the files of agreed-upon priority custodians.

5 March 24, 2025: Amazon substantially completes its production of the
 6 Second Set of documents.

7 March 24, 2025: Amazon substantially completes its re-review of privilege
 8 claims asserted or maintained in this litigation, and
 9 produces (1) a revised privilege log; and (2) all documents
 10 as to which Amazon has downgraded or otherwise
 11 narrowed its privilege claims as a result of the re-review.

12 April 14, 2025: Amazon provides a privilege log for all documents
 13 withheld from or redacted in the Second Set of documents,
 14 consistent with the provisions of Dkt. ## 256 and 313.

15 The parties have been engaged in fact discovery for approximately sixteen months.

16 Approximately five months remain before the scheduled close of fact discovery.

17 **II. JOINT REPORT ON THE STATUS OF DISCOVERY**

18 **A. Party Discovery**

19 The parties are continuing to meet and confer regarding various discovery issues,
 20 including:

- 21 • Amazon's responses to Plaintiffs' interrogatories, including Amazon's Amended
 22 Objections and Responses to Plaintiffs' Second Set of Interrogatories, served on
 23 February 14, 2025, and Amazon's Objections and Responses to Plaintiffs' Third
 24 Set of Interrogatories, served on February 24, 2025;

- 1 • Amazon's responses to Plaintiffs' Fifth Set of Requests for Production of
- 2 Documents (RFP Nos. 394-399), served on February 24, 2025;
- 3 • Amazon's compliance with the Court's December 27, 2024 Order compelling the
- 4 production of documents, Dkt. #389; and
- 5 • Amazon's agreement to provide interim deadlines for structured dataset
- 6 productions and associated data definitions.

7 The parties are hopeful that they will be able to resolve or narrow their disputes through
8 further discussions, but will file discovery motions promptly if the parties come to an impasse.

9 Plaintiffs have noticed the depositions of 11 Amazon employees or former employees,
10 and will continue to issue additional deposition notices on a rolling basis.

11 The parties have agreed to exchange supplemental initial disclosures (or confirm that they
12 have no updates to make) on March 21 and June 2, 2025.

13 **B. Third Party Discovery**

14 Plaintiffs have served 27 document subpoenas to third-party online retailers and
15 marketplaces, third-party logistics providers, and sellers, and will continue to issue additional
16 subpoenas on a rolling basis as needed. Plaintiffs are conferring with third-party subpoena
17 recipients regarding the scope of their responses to Plaintiffs' requests.

18 Amazon has served 42 third-party subpoenas seeking documents from online retailers
19 and marketplaces, third-party logistics providers, and sellers. Amazon is in the process of
20 conferring with those parties to reach agreement on the documents to be produced in response to
21 Amazon's requests. Amazon expects to serve third-party document subpoenas on additional third
22 parties, including additional retailers, fulfillment and logistics providers, and other relevant
23 parties.

The parties have agreed to regular exchanges of information about subpoenas to third parties and third parties' responses and objections. The parties have also agreed to hold joint meet and confers when requested by third parties in order to minimize the burden of discovery for them.

The parties have taken 11 depositions of third-party witnesses to date, including coordinated depositions. Seven third-party depositions have been scheduled in March and April 2025.

III. PENDING MOTIONS

The chart below lists the motions that are pending before the Court:

Motion	Response	Reply	Notice Date
Amazon's Motion to Dismiss Counts XIV, XV, and XIX of Plaintiffs' Second Amended Complaint (Dkt. #340) (11/14/2024)	Opposition of Plaintiffs New Jersey and Pennsylvania (Dkt. #371) (12/5/2024)	Amazon's Reply (Dkt. #382) (12/12/2024)	December 12, 2024
Amazon's Motion to Seal Plaintiffs' Motion to Compel Briefing and Exhibits (Dkt. #376) (12/10/2024)	Plaintiffs' Opposition (Dkt. #387) (12/23/2024)	Amazon's Reply (Dkt. #390) (12/31/2024)	December 31, 2024
Amazon's Motion for Judgment on the Pleadings as to the FTC's Claims (Dkt. #372) (12/6/2024)	Plaintiff FTC's Opposition (Dkt. #399) (1/14/2025)	Amazon's Reply (Dkt. #410) (2/4/2025)	February 4, 2025
LCR 37 Joint Submission for Relief from the February 21, 2025 Privilege Log Deadline (Dkt. #419) (2/20/2025)	N/A (joint submission)	N/A (joint submission)	February 20, 2025

1 Amazon's Motion to 2 Compel Further 3 Responses to its First 4 Set of Interrogatories 5 (Dkt. #414) 6 (2/19/2025)	Plaintiffs' Opposition (Dkt. #____) (3/6/2025)	Amazon's Reply (Dkt. #____) (3/12/2025)	March 12, 2025
7 Amazon's 8 Unopposed Motion to 9 File Confidential 10 Document In Support 11 of Its Motion to 12 Compel Under Seal 13 (Dkt. #413) 14 (2/19/2025)	N/A (unopposed motion)	N/A (unopposed motion)	March 14, 2025

Dated: March 4, 2025

Respectfully submitted,

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